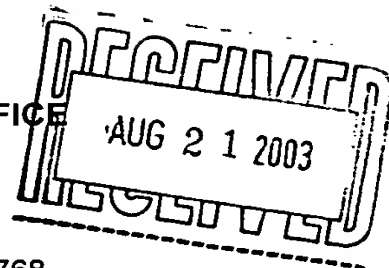




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUBSTITUTE DECLARATION



APPLICANT: Bierhoff, et al. DOCKET NO: P00,1768  
SERIAL NO.: 09/679,700 ART UNIT: 2633  
FILED: October 5, 2000 EXAMINER: Fahmy, Sherif  
CONF. NO. 8923  
TITLE: SIMULATION OF ELECTRO-OPTICAL CONNECTIONS THAT TAKES  
SPATIAL DIRECTION INTO CONSIDERATION

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

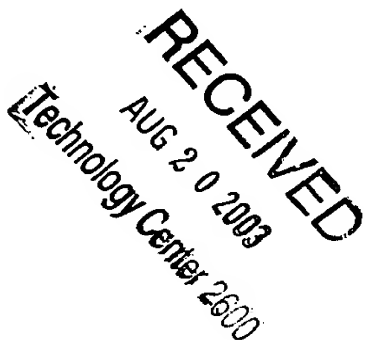
Dear Sir:

Upon further review of this application, Applicants became aware of the fact that the originally filed declaration erroneously indicates the date of the priority document as October 6, 1999.

Applicants submit and request entry of this substitute declaration so that the date of the priority document now correctly reads October 7, 1999.

Respectfully submitted,

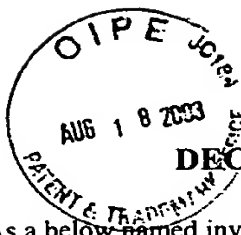
Mark Bergner (Reg. No. 45,877)  
Mark Bergner  
SCHIFF HARDIN & WAITE  
PATENT DEPARTMENT  
6600 Sears Tower  
Chicago, Illinois 60606-6473  
(312) 258-5779  
Attorney for Applicants  
Customer Number 26574



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 15, 2003.

Mark Bergner



## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"SIMULATION OF ELECTRO-OPTICAL CONNECTIONS THAT TAKES SPATIAL DIRECTION INTO CONSIDERATION"**

Case No. P00,1768, the specification of which

(check one) ☒ is attached hereto.  
☐ was filed on October 5, 2000, as  
Application Serial No. 09/679,700  
and was amended on \_\_\_\_\_  
(if applicable)

RECEIVED  
AUG 20 2003  
Technology Center 2600

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.<sup>1</sup>

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s) Number	Country	Date
19948378.7	Fed. Rep. of Germany	October 7, 1999

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

<sup>1</sup> (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Prior Foreign Application(s)

Number Country Date

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number Country Date

And I hereby appoint Messrs. John D. Simpson (Registration No. 19,842), Steven H. Noll (28,982), Brett A. Valiquet (27,841), James D. Hobart (24,149), Melvin A. Robinson (31,870), and Mark Bergner (45,877), all members of the firm of Schiff, Hardin & Waite

Telephone: 312/258-5500 Ext. 5779

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff, Hardin & Waite  
Patent Department  
71st Floor Sears Tower, Chicago, Illinois 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor THOMAS BIERHOFF

Inventor's signature *T. Bierhoff*

Date February 5th, 2001

Residence Volkmasern, Germany

Volkmasern

Citizenship Germany

Post Office Address Luettersheimer Str. 22

Luettersheimer Str. 22

33471 Volkmasern, Germany

34471 Volkmasern

Full name of second joint inventor,

(if any) ELMAR GRIESE

Inventor's signature *Elmar Griese*

Date February 5th, 2001

Residence Paderborn, Germany

Citizenship Germany

Post Office Address Am Gottebach 30

33100 Paderborn, Germany

Full name of third joint inventor,

(if any) ANDREAS HIMMLER

Inventor's signature *A. Himmler*

Date February 5th, 2001

Residence Paderborn, Germany

Citizenship Germany

Post Office Address Pohlweg 34

33098 Paderborn, Germany

Full name of fourth joint inventor,

(if any) JUERGEN SCHRAGE

Inventor's signature

J. Schrage

Date

February, 3rd, 2008

Residence

Lippstadt, Germany

Citizenship

Germany

Post Office Address

Leipziger Ring 8

59558 Lippstadt, Germany

Full name of fifth joint inventor,

(if any) AMIR WALLRABENSTEIN

Inventor's signature

A. Wallrabenstein

Date

February, 5th, 2008

Residence

Oerlinghausen, Germany

Citizenship

Germany

Post Office Address

Am Schwarzen Teich 14

33813 Oerlinghausen, Germany